



*ZONING Board of APPEALS
Senior Center, 14 Wallace Av
Fitchburg, MA 01420*

MINUTES
September 13, 2016

ATTENDANCE: Lauren McNamara-Chair, Michael McLaughlin-Co-Chair,
Anthony Zarrella, Anna Phillips & Nicholas Squailia

1. **Call to Order:** LM **PLEDGE OF ALLEGIANCE**
2. **Communications** **ATTENDANCE:** LM, MM, AZ, AP & NS
3. **Hearings**

6:00PM
ZBA-2015-01
Michael Karras/AKS Recycling & Charles George Co.
15 COBBLER DR/41 BLUEBERRY LN

Christopher Karras, representing Michael Karras, stated that the business has slowed. Metal prices have dropped 50% - 60% in the last year. All car repairs and dismantling will be done within the building. There will be no landscape changes.

The Board had requested a copy of the approved site plan for this property and Mr. Karras had just taken over management of the business and did not have the plan with him.

MM – Motion to Continue ZBA-2015-01 to November 22, 2016 at 6:00PM at which time petitioner will present the approved Site Plan to the Board
Anthony Zarrella – Motion Seconded
VOTE: 5-0 Review Continued to November

6:15PM
ZBA-2014-08
Timothy Pomerleau
150 BENSON ST

No one was in attendance for the hearing. Mix up on the Web site with time and location of this meeting.

MM – Motion to take the case out of order
AZ – Motion Seconded
VOTE: 5-0

6:30PM
ZBA-2014-09
Raul Lopez
19 DWIGHT ST

Board members have visited the site. Mr. Lopez has been unable to buy the building due to the Joseph Brogna's negotiations with the IRS. After the matter is settled, he will be purchasing the property. Mr. Lopez has cleaned up the property. He has 10 cars that belong to the business, 6 trucks, 3 employee vehicles and his personal car. Cars in the fenced in area to the left of the property are for export. They are dismantled and unregistered, but he has the titles for all of them and they are not for sale to the public. Cars in the front of the property are customer parking.

Mr. Lopez submitted a parking plan of the property, Exhibit A, (not certified).

LM – Mr. Lopez, you have expanded your business beyond what was requested in your original petition. The Board will need a certified plot plan showing parking and traffic flow for the property.

MM – The Board is OK with your original request, but it seems that the towing business has turned into a vehicle transfer station for wrecks. You were approved for a mechanical repair and towing business. Each month there are more and more dismantled cars.

LM – Noticed a dismantled vehicle outside of the building last month. How many cars do you dismantle at one time. Mr. Lopez – Up to 6 cars. Then they are put outside until the Saturday pickup.

AZ – How long do the cars stay on your lot? The containers hold up to 5 cars. Sometimes it is a month and others are 2 months. Between the front and back there are approximately 40 cars.

LM – We will put this on for a continuance for you to submit a Certified Plot Plan showing parking and traffic flow

MM - Motion on ZBA-2014-09 to Continue the hearing to November 15, 2016 at 7:15PM at which time the petitioner will present a Certified Plot Plan showing parking and traffic flow for this property

AZ – Motion Seconded

VOTE: 5-0 Review Continued to November 22, 2016 at 6:15PM

6:15PM
ZBA-2014-08
Timothy Pomerleau
150 BENSON ST

Second Call:

Timothy Pomerleau stated that the business is going along as before. They are moving forward with the renovations. He has been cleaning up his property, but the Salvation Army on the corner of the street has so much rubbish dumped there that it deters his customers from wanting to come into his business. Otherwise, business is good. He is waiting for Fiore to move out completely. He would like to add on a second shift to the business and redesign the layout of the property.

LM – Would like to schedule a review for May unless you want to come in sooner at which time you can request to be put on the next available agenda.

MM – Motion on ZBA-2014-08 to Continue the Review to May 9, 2017 at 6:00PM

AZ – Motion Seconded

VOTE: 5-0 Review Continued to May 9, 2017 at 6:00PM

6:45PM
ZBA-2016-08
Sebastian Cazard
34 KIMBALL PL

Sebastian Cazard stated that he is currently waiting for the demolition contractor to take down the United Co-Operative building which will be done at the beginning of October. Letter from the Regional Industrial Services Corp. submitted (Exhibit B). It will take approximately 4 weeks after they start to begin.

MM – Motion on ZBA-2016-08 to Continue the review to May 9, 2017 at 6:15PM

AZ – Motion Seconded

VOTE: 5-0 Review Continued to May 9, 2017 at 6:15PM

7:00PM
ZBA-2014-26
Paul Amanatidis
1109-1151 MAIN ST

No one in attendance at this time.

MM – Motion to take the case out of order

AZ – Motion Seconded

VOTE: 5-0

7:15PM
ZBA-2016-12
Kenneth Krapf
655 WESTMINSTER ST

Kenneth Krapf stated that he is still working on the property and will not have sheds there for display until the spring.

MM – Motion on ZBA-2016-12 to Continue the review to July 11, 2017 at 6:00PM

AZ – Motion Seconded

VOTE: 5-0 Review Continued to July 11, 2017 at 6:00PM

7:00PM
ZBA-2014-26
Paul Amanatidis
1109-1151 MAIN ST

Second Call:

Paul Amanatidis could not be in attendance this evening because he took his wife to the emergency room. Attorney Edwin Howard representing him stated that he has the lifts in and is waiting for an oil separator to be installed by Mike Longely and then he will be ready to open. He has been working on cleaning up the facility.

NS – Looks pretty decent now. Attorney Howard – The city's Safety Committee will be doing an on-site inspection before opening. The culvert issue will be addressed with the city before the restaurant is to open.

MM – This case has been going on for a long time and from day 1, the conditions placed upon this Special Permit have not been adhered to. It has been one excuse after another. All the granite has been removed from the property and there has not been a retaining wall put in place. The city Engineering Dept. is concerned with possible erosion of Goddard St. There needs to be a plan by an engineer to do this properly. There is only about 1' before the city wall. There have been countless vehicles stored on the property. There is auto repair going on inside the building with no permit. He has been conducting business on the property. Either he has the where-with-all to get this project off the ground properly, or he does not. Would like to add another condition to the Special Permit that until all conditions are met, the special permit will not take effect for him to operate the business.

Attorney Howard and the Board discussed Condition #3 in regard to the sidewalk. Due to the city working on the street for the next several months, that condition would be the exception.

Patrick McCarty, McCarty Engineering, stated that if they have the engineered plans it could be feasible to have a retaining wall in before winter. Having the plan drawn up by a structural engineer will take some time, but construction of the wall itself should only take a couple of months.

LM – We could put the review out to November and amend the conditions.

MM – Motion on ZBA-2014-26 to Continue the review to November 22, 2016 at 6:30PM with the following amendment to the conditions: 9. Permits to operate shall not be issued until all conditions are met with the exception of #3. Installation of concrete sidewalks to be determined at next review.

AZ – Motion Seconded

VOTE: 5-0 Review Continued to November 22, 2016 at 6:30PM with amended conditions

7:30PM

ZBA-2016-19

Fitchburg Public Schools

70 REINGOLD AV

Bob Jokela and Mrtha Clark, principal of Reingold School, presented the Board with plans requested at the last meeting (Exhibit C). The dimensions of the sign will be the same as the Goodrich school sign, with the only difference being it is a 2-sided sign rather than a single sided. Hours of Operation will be 7:30AM-5:30PM Monday-Friday and Special Events to shut off at 8:30PM.

Those In Favor: Thomas Cleary of 75 Reingold Av and Matthew Gauvin of 56 Reingold Av, nearest abutters.

MM – My concern the abutters needs and concerns are addressed and satisfied whenever possible has been met.

Hearing Closed:

Deliberations:

All were in favor of the petition with the following conditions:

1. No flashing/blinking, animation or video of sign
2. Size and location of signs per plan submitted
3. Alpha/Numeric/Symbolic Picture display only
4. Public Service announcements to be included in the text, such as, time, temp, and amber alerts
5. Signs to be maintained and in good condition and repair
6. Sign to meet D.O.T. standards – not less than 3 second display change
7. Review in one year
8. Hours of Operation: Monday-Friday: 7:30AM-5:00PM and Special Events to close at 8:30PM

Hearing Closed:

Deliberations:

AZ – Given the new plan with the sign further from the roadway at an angle and due to the shape and topography of the lot and traffic flow on the lot the sign will be of no detriment to the abutter or the neighborhood. This request sufficiently meets the mandatory findings for the grant of a variance.

MM – Motion on ZBA-2016-19 to Grant the Variance with standard conditions and hours of operation as agreed per plan submitted.

AZ – Motion Seconded

VOTE: 5-0 GRANT of the Variance with Conditions

8:00PM

ZBA-2016-21

Unified Petroleum

249 KIMBALL ST

Presentation given by Patrick McCarty of McCarty Engineering. The petitioner would like to do a full renovation – out with the old and in with the new. August 16, 2016, Site Plan Review approved the plan for a 2400 sq.ft. convenience store with coffee shop drive up window. The entrance will be on Rollstone St. and the exit will be onto Kimball St. There will be a narrow strip of landscaping along these two streets per plan. The old gas storage tanks will be removed and new ones in a better location with advanced technology gas tanks. The station will have a new canopy. The structure will be wood frame with cement-board clapboards. The order board is aimed away from any abutters and faces the now existing trees to the rear of the property. The lot will be cleaned of brush and rubble and new plantings will be installed along the streets. The dumpster will be located in the rear left corner of the lot shielded from view with a 6' white vinyl fence.

Those Seeking Informaiton: Elisa French of 206 Kimball St. stated that there is no existing sidewalk along Kimball St. After seeing this presentation, this will be an improvement for the lot and the neighborhood. She is also in favor of the petition. She asked about the pavement and was informed that it would go no further than the existing. The abutting empty lot does not belong to this property.

MM – The gas station, which has been there for years, will be self-service and the store will be more modern. This request has been granted in the past. MM asked about the condition of the back slope. Mr. McCarty stated that they will be cleaning up the slope about 20' down to the hay bails. After that point the property drops down to the tracks and belongs to the railroad. Lighting was discussed and reviewed on the plan.

Patrick McCarty – After review of the zoning ordinance, I would ask to amend the petition request to allow petitioner to change his request to a Special Permit under §181.3521 in regard to the retail sales portion of this petition and I appreciate the consideration of this Board.

Hearing Closed:

Deliberations:

AZ – Because this is a pre-existing use, the Board finds that a Special Permit may be granted for the extension (Convenience Store) of the use under §181.3521 rather than a variance.

MM – Motion to grant amendment to the petition

AZ – Motion Seconded

VOTE: Simple vote taken in regard to amending the request. 5-0 Grant the change to §181.3521.

Hearing Open:

LM – When will you be breaking ground? Mr. McCarty – In the spring and will take about 4 months to build. LM – Then we should set the review for 1 year.

Hearing Closed:

MM – Motion on ZBA-2016-21 to Grant the Special Permit under §181.3521 for retail sales per plan with the following conditions:

1. Hours of Operation: 5:00AM – 12:00AM Monday – Sunday
2. Review September 12, 2017
3. Conditions of the Planning Board to become part of these conditions

AZ – Motion Seconded

VOTE: 5-0 Grant of Special Permits with Conditions

MM – Motion on ZBA-2016-21 to Grant a Special Permit under §181.313C13A for motor vehicle fuel dispensing

AZ – Motion Seconded

VOTE: 5-0 Grant the Special Permit

8:15PM

ZBA-2016-22

Megan E & Patrick J Roy

560 HIGH ROCK RD

LM knows the petitioner because she bought her sister-in-law's home, but it will not affect her ability to be impartial.

Megan Roy stated that they want to take down the existing garage and build a new 2-stall garage which encroaches into the setback at one corner of the proposed structure. The existing garage needs work and is actually too small for 2 vehicles to fit inside.

LM – Will the façade of the garage match the existing home? Megan Roy – Yes. LM – When are you looking to break ground? Megan Roy – As soon as the contractor is available. Would like to have the garage before winter. The garage will be only for their use. It will only take one month to build once the appeal period is done and the contractor begins. All construction debris will be taken away at the completion of the project.

Hearing Closed:

Deliberations:

MM – The existing home is positioned on the lot close to the lot line in a way that the proposed location is the most appropriate for the new garage. The garage needs to be reconstructed and there are no neighbors in opposition.

AZ – Due to the shape and topography of the lot, only one corner of the proposed garage will be encroaching.

MM – Motion on ZBA-2016-22 to Grant a Variance for the construction of a new garage leaving 10' to the property line

AZ – Motion Seconded

VOTE: 5-0 GRANT of a Variance

8:30PM

ZBA-2014-25

Marcus Moran/JMAC Distribution LLC

134A CRAWFORD ST

Marcus Moran stated that his business has outgrown his present space and he will be moving across the street (next hearing if approved by the Board) and leaving this property.

MM – Petitioner has met the conditions of his special permit. One of these conditions is a sunset clause. The review can be approved at this time so he can continue his business on the lot until he is able to move and then it will expire.

Hearing Closed:

Deliberations:

MM – Motion on ZBA-2014-25 to Approve the Review

AZ – Motion Seconded

VOTE: 5-0 Approve the Review

8:30PM

ZBA-2016-23

Marcus Moran/JMAC Distribution LLC

135 CRAWFORD ST

Marcus Moran stated that he will be putting a 10' x 40' temporary construction trailer on the property for his office. He would like a sign at some point so his customers are less confused about his location. There will be off-street parking on this lot for customers which is much safer than 134A Crawford St. He would like to maintain a clean presence and the move will afford him that. The business will not change except for additional cars.

MM – Would like to keep the same conditions granted to prior location for this address.

Marcus Moran – There will be one entrance for entering and exiting the property. Cars will not stay on the property more than 14 days. He receives repossessed cars, not junks. The cars are manicured and organized and he keeps a daily inventory.

MM – Would like a review period

Hearing Closed:

Deliberations:

MM – Motion on ZBA-2016-23 to Grant the Special Permit with the following conditions:

1. No storage or parking of vehicles on the roadside
2. Review date November 22, 2016 at 7:00PM
3. Not to operated as a nuisance
4. Sunset Clause – Special Permit will expire/terminate upon the sale/transfer of the business, ownership or location from Marcus Moran/JMAC Distribution LLC at 135 Crawford St.

AZ – Motion Seconded

VOTE: 5-0 Grant of the Special Permit

4 MISCELLANEOUS

5. Adjournment

